

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

U.S. Citizens Association, et al.,)	
)	CASE NO. 5:10 CV 1065
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
Kathleen Sebelius, et al.,)	
)	
Defendants.)	
)	

Presently pending before the Court are the parties' cross motions for summary judgment on Count 1 of plaintiffs' second amended complaint challenging the constitutionality of the individual mandate of the Patient Protection and Affordable Care Act under the Commerce Clause of the United States Constitution. ECF 69 and 70. The Court previously dismissed Counts 2, 3 and 4 of the plaintiffs' second amended complaint (ECF 58), and deferred ruling on the parties' cross motions for summary judgment pending a ruling by the Sixth Circuit on plaintiffs' appeal in *Thomas More Law Ctr. v. Obama*, 720 F. Supp.2d 882 (E.D. Mich 2010). ECF 86.

The Sixth Circuit recently issued its decision in *Thomas More*, affirming the district court's decision that the minimum care provision, sometimes also known as the individual mandate, is a valid exercise of Congress' legislative power under the Commerce Clause of the United States Constitution. *Thomas More Law Ctr. v. Obama Law Ctr. v. Obama*, ---F.3d---, 2011 WL 2556039 (6th Cir. 2011). Plaintiffs notified the Court of this new authority. ECF 89.

(5:10 CV 1065)

This Court is bound by the Sixth Circuit's majority ruling in *Thomas More* that the minimum coverage provision of the Patient Protection and Affordable Care Act is a valid exercise of legislative power by Congress under the Commerce Clause. Therefore, the Court grants defendants' motion for summary judgment on Count 1 of plaintiffs' second amended complaint.

Accordingly, defendants' motion for summary judgment is GRANTED and plaintiffs' motion for summary judgment is DENIED. The Court will separately publish a Judgment Entry.

IT IS SO ORDERED.

July 1, 2011
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge